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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,219	01/20/2004	Dieter Amesoeuer	037141.53154US	6439

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EXAMINER

CECIL, TERRY K

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,219

Applicant(s)

AMESOEDER, DIETER

Examiner

Mr. Terry K. Cecil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are indefinite because of the following reasons:

- The following terms lack antecedent basis: “the length-compensating section” (claim 8).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

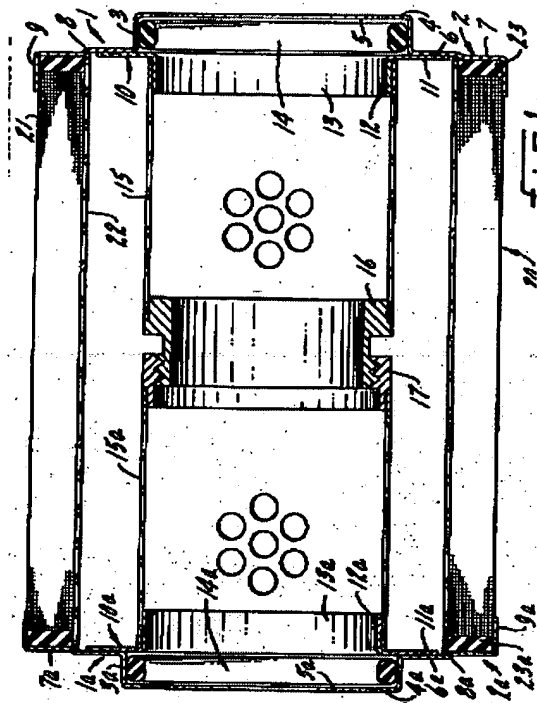
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 3, and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kudlaty (U.S. 3,592,766). Kudlaty teaches a filter insert comprising an annular filter element



having a cover 2 and base 2a connected to the ends thereof. A central tube 15,15a is positioned within the central channel and because of mating parts 16,17 having a variable length to accommodate filters of different sizes (col. 4, lines 63-70) [as in claim 1]. Mating parts 16 and 17 are considered to be “stays” that connect rings 15a,15b [as in claim 3]. As shown in the figures, the flange of 16 is considered a “stop” that limit the minimum length of the tube when part 17 against the “stop” [as in claim 7], wherein the flange (stop) is spaced from ring 15a [as in claim 8].

As for claims 9 and 10, the o-ring gasket 14 is positioned within a groove formed by both the cover (i.e. 3, 4 thereof) and the central tube (i.e. portion 11 thereof) at a right angle [as in claims 9-10].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

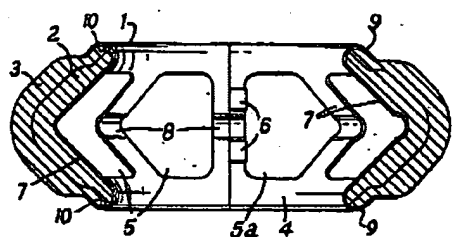
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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudlaty in view of Pall (U.S. 3,246,766). Kudlaty teaches spot-welding of the filter element to the cover and base [as in claim 13] and also the support tube to the cover/base (col. 2, lines 25, 45-46, and 52). Kudlaty is silent as the material used; however, Pall teaches filter insert materials, e.g. a support core to be made of a synthetic resin (col. 1, lines 18-19; col. 3, lines 28-42) [as in claims 11-12]. It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the cover/base and support core of Kudlaty to be made of synthetic material of Pall, since Pall teaches the benefit of a material suitable for welding (col. 1, line 43-45; col. 2, lines 51-52; and col. 3, lines 44-46). Pall also teaches the benefit of a material suitable for preventing distortion or collapse of the filter element (col. 1, lines 15-20).

7. Claims 2, and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudlaty in view of the British reference No. 1,027,335, hereinafter "335". '335 teaches an inner support

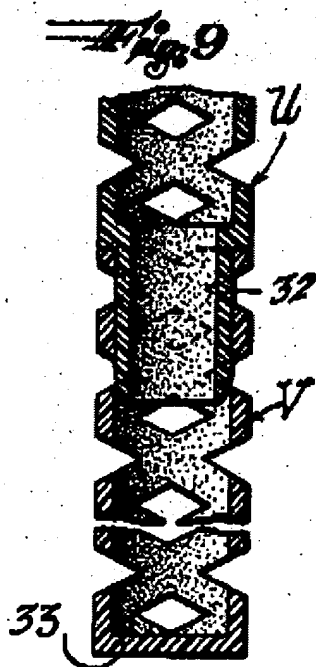


(1) including resilient stays 7 in the shape of a "V" [as in claims 2, 4 and 5]. It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the V stays of '335 in the invention

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of Kudlaty, since '335 teaches the benefit of axially changing the length of the filter (page 2, lines 21-30).

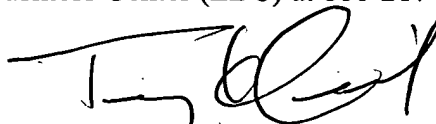
8. Claims 2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudlaty in view of Hobson, Jr. (U.S. 3,642,141). Hobson teaches a multi-part support member having resilient "stays" in the form of a "V" and also a helix (figure 11, or col. 4, lines 25-26) [as in claims 2 and 4-6]. It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the stays of Hobson as part of the support tube of Kudlaty, since Hobson teaches the benefit of preventing collapse of the tube (col. 1, lines 10-13 and lines 65-70; col. 3, lines 42-46).



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9. Contact Information:

- Examiner Mr. Terry K. Cecil can be reached at (571) 272-1138 at the Carlisle campus in Alexandria, Virginia for any inquiries concerning this communication or earlier communications from the examiner. Note that the examiner is on the increased flextime schedule but can normally be found in the office during the hours of 8:30a to 4:30p, on at least four days during the week M-F.
- Wanda Walker, the examiner's supervisor, can be reached at (571) 272-1151 if attempts to reach the examiner are unsuccessful.
- The Fax number for this art unit for official faxes is (571) 273-8300.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mr. Terry K. Cecil
Primary Examiner
Art Unit 1723

TKC
April 10, 2006